IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24411 of 2004

Between:

V.Uma Devi,

W/o.Papachary, age.27 yrs,

Occ: Fair price shop dealer, shop No.2,

R/o.Chainthakunta Ramaiahpally,

Chityal Mandal,

Warangal District.

..... PETITIONER

AND

1. The Revenue Divisional Officer, Mulugu, Warangal District.
2. The Mandal Revenue Officer, Chityal, Warangal District.
3. The Joint Collector, Warangal, Warangal District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the order, dated 26.11.2004 in proceedings No.1/3799/2004

passed by the 1st respondent and also to declare the action of the 3rd respondent in not passing an order on the stay petition filed along with the appeal against order, dated 26.11.2004 passed by the 1st respondent as illegal, arbitrary and to pass such other necessary order or orders as this Honourable Court deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.A.PRABHAKAR RAO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a fair price shop dealer. Her authorization was suspended by the 1st respondent through order, dated 26.11.2004. The allegation against the petitioner is that her husband is running the shop on behalf of her and that he received 70 Qtls of rice pertaining to SGRY from stage-II MLS point, through a contractor, in the name of the petitioner. It was alleged that the receipt of rice was with a view to assist the persons concerned for diversion of the rice into black market. Petitioner preferred an appeal before the 3rd respondent together with an application for grant of stay.

Unless the application for stay is disposed of within reasonable time, the very purpose of preferring the appeal is likely to be defeated. The authorization of the petitioner was suspended on the allegation that her husband received 70 Qtls of SGRY rice from a transport contractor, in the name of the petitioner. It is not alleged that the petitioner had diverted the same to black market. Petitioner has placed before this Court copy of an order of allotment issued by the A.P. State Civil Supplies Corporation for certain quantity of rice. It is not possible, at this stage, to record any finding as to the actual quantity of rice as well as the nature of it.

One fact, which weighs with this Court is that even according to the order of suspension, the rice, referred to above, is said to have been received from a proper and legal source, namely, the contractor. The rice was found to be with the petitioner. The allegation is that the rice was stored ‘with an intention to assist the persons concerned for diversion of the rice into black market’. This allegation is as vague as it could be.

For the foregoing reasons, the writ petition is disposed of directing that the petitioner

shall be entitled to continue as dealer, and the order of suspension shall stand stayed, till the 1st respondent passes orders either in the appeal or in the stay petition. No order as to costs.

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L.NARASIMHA REDDY, J

Dated : 30th December, 2004

Note: Furnish copy by 31.12.2004.

(B/o)

TS

To

1.The Revenue Divisional Officer, Mulugu, Warangal District.

2.The Mandal Revenue Officer, Chityal, Warangal District.

3.The Joint Collector, Warangal, Warangal District.

4 2 CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

5 2CD copies.